

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13
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FM USMISSION USBERLIN
TO AMEMBASSY BONN
INFO SECSTATE WASHDC 3893
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO

C O N F I D E N T I A L USBERLIN 273

E.O. 11652: GDS
TAGS: WB, PGOV, FR, UK, US, UR
SUBJECT: REICHSBAHN VIOLATIONS OF ALLIED LEGISLATION IN FORCE IN
BERLIN

REFS: A) USBERLIN 122 B) STATE 3594 (NOTAL)

1. SUMMARY: AT MEETING JAN 24 ATTENDED BY DEP POLADS,
ECON ADVISERS AND LEGAL ADVISERS, AND US AK SECRETARY,
MISSIONS REVIEWED GROWING NUMBER OF INSTANCES OF REICHSBAHN
NON-COMPLIANCE WITH BK/O(49) 217 AND FAILURE TO APPLY
FOR CONTINUING INTER-SECTOR SHIPMENTS (DAUERGENEHMIGUNGEN
GOOD FOR SIX MONTHS). ALL AGREED THAT REICHSBAHN FLOUTING
OF LEGISLATION IN FORCE WOULD HAVE TO BE ADDRESSED WHILE
ALL WERE RELUCTANT TO CONTEMPLATE SUCH DIFFICULT-TO-
ENFORCE MEASURES AS HAULING REICHSBAHN STATION MASTERS
INTO WEST BERLIN COURT. PARTICULAR INSTANCE OF TWO
FREIGHT CARS CARRYING SCRAP OBVIOUSLY INTENDED FOR
SHIPMENT TO EAST WAS THEN ADDRESSED AND DECISION WAS
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TAKEN THAT BRITISH WOULD SEND BERLIN POLICEMAN TO STATION
IN QUESTION AND GIVE STATION MASTER BRITISH COMMUNICA-
TO EFFECT THAT FREIGHT CARS COULD NOT BE
SHIPPED TO EAST BERLIN OR GDR WITHOUT PRIOR APPROVAL
BY ALLIES. SAME WRITTEN COMMUNICATION, WHICH WOULD
ALSO BE ADDRESSED TO HERR JOEDICKE, SENIOR
REICHSBAHN OFFICIAL IN WSB, WOULD NOTE OUTSTANDING

APPLICATIONS FOR SIX-MONTH INTERSECTOR SHIPMENTS.
END SUMMARY.

2. REVIEWING RECENT INSTANCES OF REICHSBAHN NON-COMPLIANCE WITH EXISTING ALLIED LEGISLATION, MISSION JAN 24 SEPARATED INSTANCES INTO TWO CATEGORIES: FAILURE OF REICHSBAHN TO APPLY FOR PERMISSION TO MAKE SPECIFIC SHIPMENTS TO EAST BERLIN AND GDR IN ACCORDANCE WITH BK/O(49)217 AND FAILURE OF REICHSBAHN TO APPLY UNDER THAT BK/O FOR CONTINUOUS PERMISSION GOOD FOR SIX MONTHS TO UNDERTAKE CONSTANT SHIPMENT OF CERTAIN SMALL ITEMS, SUCH AS TOOLS, FROM ONE SECTOR TO ANOTHER. IN AUGUST, BRITISH WERE TWICE COMPELLED TO SEND POLICE TO REICHSBAHN STATIONS TO PREVENT UNAUTHORIZED SHIPMENTS TO EAST BERLIN IN VIOLATION OF BK/O(49)217. IN BOTH CASES, SHIPMENTS WERE PERMITTED ON UNDERSTANDING THAT REQUEST FOR AUTHORIZATION WOULD FOLLOW, WHICH IT DID. JANUARY 1 WAS APPLICATION DATE FOR LARGE NUMBER OF CONTINUOUS PERMISSIONS FOR SMALL ITEMS, AND REICHSBAHN HAS FAILED TO SUBMIT THEM IN ACCORDANCE WITH USUAL PROCEDURE.

3. BRITISH THEN RAISED SPECIFIC CASE OF TWO FREIGHT CARS CONTAINING SCRAP FROM SOTION CONSTRUCTION IN WEST BERLIN WHICH WERE OBVIOUSLY INTENDED FOR SHIPMENT TO EAST FROM LEHRTER BAHNHOF (BRITISH SECTOR). CARS WERE NOTICED ON FRIDAY EVENING BY BRITISH REICHSBAHN LIAISON OFFICER WERNER. BRITISH DECIDED NOT TO TAKE ACTION OVER WEEKEND, AND, ON JANUARY 24, SAME CARS
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WERE SPOTTED, THIS TIME AT MOABIT STATION (STILL IN BRITISH SECTOR). MISSIONS QUICKLY REACHED DECISION THAT BRITISH SHOULD SEND WEST BERLIN POLICEMAN TO MOABIT EARLY JAN 25 WITH WRITTEN COMMUNICATION TO STATION MASTER INSTRUCTING HIM THAT CARS WERE NOT TO LEAVE BRITISH SECTOR UNTIL AUTHORIZATION HAD BEEN RECEIVED FROM BRITISH. SAME LETTER WOULD BE DISPATCHED TO HERR JOEDICKE, SENIOR REICHSBAHN OFFICIAL WORKING AT KOCHSTRASSE IN US SECTOR. IN LETTER, MENTION WOULD ALSO BE MADE OF GDR FAILURE TO SUBMIT APPLICATIONS FOR CONTINUOUS SHIPMENTS.

4. MISSIONS THEN REVIEWED ADDITIONAL MEASURES WHICH MIGHT BE TAKEN IN EVENT OF CONTINUED REICHSBAHN FLOUTING OF LEGISLATION. THEY AGREED TO CONSIDER SENDING PERSONAL NOTICE OF THEIR REQUIREMENTS TO HERR JOEDICKE AS A FIRST STEP, PERHAPS DOING SO VIA THE ALLIED REICHSBAHN LIAISON OFFICERS ACCOMPANIED BY

MPS. IMPOUNDING SPECIFIC REICHSBAHN ITEMS WAS ANOTHER SUGGESTION DISCUSSED, AS WAS SENDING MPS ON A REGULAR BASIS TO PATROL KEY STATIONS. MISSIONS WERE AWARE OF THE DIFFICULTIES INVOLVED IN THE LOGICAL FURTHER STEP OF TAKING THE REICHSBAHN INTO A BERLIN COURT. NO ONE WOULD APPEAR, COURT ORDERS WOULD BE IGNORED, AND THE ALLIES WOULD THEN BE FACED WITH THE UNPALATABLE STEP OF ARRESTING AND PHYSICALLY DETAINING REICHSBAHN EMPLOYEES, THUS ESCALATING THE ISSUE.

5. BRITISH ADVISED US THAT STEPS ENVISAGED PARA 3 ABOVE WERE TAKEN JANUARY 25. REICHSBAHN HAS MOVED THE TWO RAILWAY CARS BACK TO LEHRTER BAHNHOF AND APPEAR TO HAVE SUSPENDED PLANS TO MOVE THEM TO EAST BERLIN. MISSIONS HAVE AGREED TO CONSULT FURTHER AFTER RESULTS OF BRITISH ACTIONS ARE KNOWN. DAVIS
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Message Attributes

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